

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

KELWIN DEWAYNE ADAMS

PLAINTIFF

v. Civil No. 06-3074

ALVIN DALE BOLEN; Transport
Officer; EDDIE WHITMIRE; Deputy;
DONALD KOPPENHAVENER, Investigator; and
BRIAN STOCKTON, Jail Administrator, all
of the Searcy County Detention Center

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Kelwin Dewayne Adams filed this pro se civil rights action pursuant to 42 U.S.C. § 1983 on December 6, 2006. His complaint was filed in forma pauperis (IFP).

On June 14, 2007, the undersigned entered an order (Doc. 17) granting the defendants' motion to compel. Adams was directed to provide the defendants with discovery responses by July 3, 2007. On July 6, 2007, defendants filed a motion to dismiss (Doc. 18). In the motion, defendants state they have not received the discovery responses from the plaintiff.

Adams has not sought an extension of time to respond to the discovery requests. He has not responded to the motion to dismiss. He has not communicated with the court.

I therefore recommend that the defendants' motion to dismiss be granted. This case should be dismissed based on Adams' failure to comply with the order of the court and his failure to prosecute this action. *See Fed. R. Civ. P. 41(b).*

The parties have ten days from receipt of the report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The parties are

reminded that objections must be both timely and specific to trigger de novo review by the district court.

DATED this 24th day of July 2007.

/s/ *J. Marszewski*

HON. JAMES R. MARSZEWSKI
UNITED STATES MAGISTRATE JUDGE